

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

SALVADOR BUSTOS-CASTANEDA,

Plaintiff,

v.

CIVIL ACTION NO. 5:04-0925

MARTY ANDERSON, WARDEN,
FCI BECKLEY, et al.,

Defendants.

ORDER

This action was referred to the Honorable R. Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the Court grant Defendants' Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (Document No. 15), dismiss this case with prejudice, and remove this matter from the Court's docket. Neither party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **GRANTS** Defendants' Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (Document No. 15), **DISMISSES** this case with prejudice, and **MOVES** this matter from the Court's docket consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented parties.

ENTER: October 11, 2005



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE